

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-10 were pending in this application. Claims 1-6 and 8-10 have been amended and new claims 11-13 have been added hereby. The claims have been amended to correct matters of form. The newly-added dependent claims find support in the original independent claims. No new matter has been presented. Upon entry of this amendment, claims 1-13 will be pending herein and, for the reasons set forth below, Applicant respectfully submits that all of these claims are in condition for allowance.

In the Office Action, claims 4, 5 and 6 were rejected under 35 U.S.C. §112, second paragraph, and claims 1-10 were rejected under 35 U.S.C. §102(b) as being anticipated by Davis (U.S. Patent Pub. No. 2001/0049612). To the extent these grounds of rejection might again be applied to the claims presently pending in this application, they are respectfully traversed.

Regarding the §112, second paragraph, ground of rejection, Applicant has amended the claims to address the issues raised in the Office Action. Applicant has further amended the claims to correct other matters of form. Reconsideration and withdrawal of the §112 ground of rejection are respectfully requested.

Regarding the §102(b) prior art rejection based on Davis, Applicant, as evidenced by the attached Declaration under 37 C.F.R. §131, invented the claimed invention prior to the earliest effective prior art date of Davis. More specifically, the earliest effective prior art date of Davis is May 10, 2000, which is the filing date of a provisional patent application to which Davis claims

priority. As set forth in the attached Declaration, however, inventor Lawrence Bell was corresponding with potential clients regarding the claimed invention, prior to May 10, 2000, namely in late 1999 and early 2000. The substance of the financial opportunity that was the subject of that correspondence was then laid out in U.S. Patent Application No. 09/690,891 filed October 18, 2000 (which has since issued as U.S. Patent 6,609,111), to which the present application claims priority.

In light of the foregoing and the attached Declaration, Applicant respectfully submits that Davis cannot be used as prior art against the claims of the present application as the claimed invention was conceived of prior to the earliest effective date of Davis and diligently developed (i.e., "coupled with due diligence") from prior to the earliest effective date of Davis until the 09/690,891 application was filed on October 18, 2000. Consequently, the §102(b) rejection of the claims based on Davis should be withdrawn.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

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Respectfully submitted by:

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